

REMARKS

Claims 1, 3-6, 8-11, 13-15 and 35-51 are pending, with claims 1, 6, 11, and 36 being independent. Claims 1, 6, 11, and 36 have been amended for clarification. No new matter has been introduced.

35 U.S.C. § 112, 2nd Paragraph

Claims 1, 3-6, 8-11, and 13-15 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for including the phrases “*enabling* a first market participant” and “wherein each business rule *is capable of* being applied.” See Office Action of April 6, 2007 at p 2 (emphasis added). During a telephone interview with the undersigned on March 29, 2007, the Examiner indicated that the amendments to claims 1, 6, and 11 overcome this rejection. See Interview Summary filed March 29, 2007.

As such, Applicants respectfully request withdrawal of the rejection of claims 1, 3-6, 8-11, and 13-15 under 35 U.S.C. § 112, 2nd paragraph.

35 U.S.C. § 101

Claims 1, 6, 11, and 36 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because “[t]he claimed invention is not within the technological arts” and the claims do not include a useful result. See Office Action of April 6, 2007 at pp 2-3. Applicants respectfully disagree that claims 1, 6, 11, and 36 are directed to non-statutory subject matter.

Applicants note that “not within the technological arts” is no longer an acceptable test for subject matter eligibility. See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility at p 45 (Annex III) (noting “USPTO personnel should no longer rely on the technological arts test to determine whether a claimed invention is directed to statutory subject matter”); Ex Parte Lundgren, 76 U.S.P.Q.2d (BNA) 1385, 1388 (Bd. Pat. App. & Int. 2005) (precedential), available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/2003-2088.pdf> (holding “there is currently no judicially recognized separate

'technological arts' test to determine patent eligible subject matter under § 101"). As such, Applicants respectfully assert that the claims cannot be directed to non-statutory subject matter for failure to be "within the technological arts."

The Office Action also indicates that claims 1, 6, 11, and 36 do not appear to include any useful result. See Office Action of April 6, 2007 at pp 3-4. Applicants have amended claims 1, 6, and 11 to include "display(ing) the results of the tracking to at least one of the first market participant and the second market participant" and have also amended claim 36 to include "displaying the results of the processing, by the computer system, to at least one of the organization and the customer." Support for these amendments can be found in the specification at least at, for example, page 12, lines 5-10. Therefore, Applicants assert that claims 1, 6, 11, and 36 include a useful result.

As such, Applicants respectfully request withdrawal of the rejection of claims 1, 6, 11, and 36 under 35 U.S.C. § 101.

35 U.S.C. § 103

Claims 1, 3-6, 8-11, 13-15, and 35-51 have been rejected under 35 U.S.C. § 103 as being unpatentable over Walker (U.S. Patent Application Pub. No. 2002/0169664) and Gharavy (U.S. Patent Application Pub. No. 2003/0004840).

As described in detail in Applicants' previous response, see Response to Office Action of December 2, 2005 filed May 2, 2006 at pp 15-17, none of Walker, Gharavy, or any proper combination of the two references describe or suggest the features of the claims. Therefore, the most recent Office Action still fails to set forth a prima facie case of obviousness.

Claims 36-51

In response to Applicants' arguments in the previous response, the Examiner has indicated

In response to applicant's argument that Walker fails to disclose receiving a second transaction record from an organization that configured a business rule, the second transaction record describing completion of a second transaction between the

organization and a customer, it is noted that the features upon which applicant relies are not recited in the rejected claim(s).

See Office Action of April 6, 2007 at p 10 (emphasis in original). In other words, the Examiner has indicated that this feature is not recited in claims 36-51. Applicants respectfully disagree that this feature is not recited in claims 36-51 (which are the claims to which Applicants were referring in the cited argument). Amended claim 36 has been reproduced below, in its entirety and with emphasis added, for the Examiner's convenience.

36. (Currently Amended) A method comprising:
receiving electronically, at a computer system, a first transaction record from an organization, the first transaction record being received according to a first protocol, and the first transaction record having a first format and including first transaction data stored in the first format and describing a completed first transaction between the organization and a customer;
converting, by the computer system, the first transaction data from the first format into a second format;
accessing, by the computer system and based on information in the first transaction record, a first business rule configured by the organization and describing a second transaction expected to be completed between the organization and the customer in response to the completed first transaction;
receiving,([.]) by the computer system, a second transaction record from the organization including second transaction data describing completion of the second transaction;
processing, by the computer system, the second transaction record using the first business rule; and
displaying the results of the processing, by the computer system, to at least one of the organization and the customer.

Applicants note that claim 36 recites "receiving... a second transaction record from the organization," which, as described in the "accessing" operation, is the organization that configured a first business rule. Claim 36 also recites "the second transaction record describing completion of the second transaction," which, as also described in the "accessing" operation, is between the organization and the customer. As such, the feature identified by Applicants in the previous response, and objected to by the Examiner, is clearly recited in claim 36.

In any event, and as argued previously, none of Walker, Gharavy, or any proper combination of the references describe or suggest receiving a second transaction record from the organization including second transaction data describing completion of the second transaction, as recited in claim 36. Instead, paragraph [0033] of Walker merely describes what occurs if an offer is accepted, as well as the incentives and motivations for making and accepting offers, see Walker at paragraph [0033], and Gharavy merely describes determining whether a sales agent is credentialed (e.g., licensed and/or appointed) when selling certain products and further determining whether, and how much, to compensate the sales agent based thereon, see Gharavy at abstract.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection of independent claim 36 and its dependent claims 37-51.

Claims 1, 3-6, 8-11, 13-15, and 35

Also in response to Applicants' arguments regarding claims 1, 6, and 11, the Examiner has indicated

In response to applicant's argument that the prior art fails to disclose "communicating to the first market participant receipt of the electronic data representing the business transaction and validation results of the electronic data representing the business transaction", it is noted that Walker teaches communicating to the first market participant electronic data representing the business transaction. As per "validation" step per se, Gharavy was applied for this feature. Specifically, Gharavy [teaches] validating credential data representing a transaction [0025]; [0105].

See Office Action of April 6, 2007 at p 10. Applicants disagree that Gharavy teaches "receiving electronic data from the first market participant in a first format representing at least one business transaction" and "validating the electronic data representing the business transaction," as claimed.

As previously argued, Gharavy describes a process by which credential data of distributors associated with transactions is validated and compensation to the distributor is selectively computed based on whether the credentials are valid or not. See Response to Office Action of December 2, 2005 filed May 2, 2006 at p 16. In other words, and again, Gharavy

merely describes determining whether a sales agent is credentialed (e.g., licensed and/or appointed) when selling certain products and further determining whether, and how much, to compensate the sales agent based thereon. See Gharavy at abstract. Applicants still fail to understand how these determinations, as made by Gharavy, satisfy the claim requirements of validating electronic data that represents a business transaction between two market participants, where the business transaction includes a request business transaction portion and an expected related response business transaction portion (as recited in the "receiving" clause of claim 1 and the "receive" clause of claims 6 and 11).

As such, none of Walker, Gharavy, or any proper combination of the references describe or suggest receiving electronic data from the first market participant in a first format representing at least one business transaction and validating the electronic data representing the business transaction, as recited in claims 1, 6, and 11.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection of independent claims 1, 6, and 11 and their dependent claims 3-5, 8-10, 13-15, and 35.

Conclusion

Applicants assert that all claims are in condition for allowance and request a Notice of Allowance at the Examiner's earliest convenience.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed to be due. Please apply any charges or credits to deposit
account 06-1050.

Respectfully submitted,

Date: _____

7/6/07

Stephanie Deckter

Stephanie M. Deckter
Reg. No. 58,652

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331